

EXHIBIT J
TO THE DECLARATION OF JOSEPH V. WILLEY

CA. DEP'T EDUC., DISTANCE LEARNING
FREQUENTLY ASKED QUESTIONS ABOUT
DISTANCE LEARNING FOR THE 2020-21 SCHOOL
YEAR PURSUANT TO EDUCATION CODE 43500-
43511 (Aug. 21, 2020)



Distance Learning Frequently Asked Questions

Frequently asked questions (FAQs) about Distance Learning for the 2020–21 school year, pursuant to Education Code 43500-43511.

[Coronavirus \(COVID-19\) Main Web Page](#)

[Distance Learning Main Web Page](#)

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The FAQs on this web page are applicable to the 2020–21 school year only.

General

1. [What is distance learning?](#)
2. [What is considered in-person instruction?](#)
3. [What is considered an LEA for these purposes? \(updated 8/21/20\)](#)
4. [When can LEAs offer distance learning?](#)

The intent is that LEAs offer in-person instruction to the greatest extent possible. However, LEAs can, and in some instances must, offer distance learning and/or hybrid models of learning under certain circumstances during the 2020–21 school year [*Education Code Section 43503(a)(2)*].

- Distance learning and/or a hybrid model of learning (a combination of in-person and distance learning) can be offered as a result of an order or guidance from a state or local public health official.
 - ❖ According to a letter to the [Journal](#) (PDF), the intent is not to require a directive from local public health officials specific to closing down in-person learning, but rather that LEAs actively work in consultation and collaboration with public health officials in determining whether to offer distance learning for a particular site or LEA-wide. The provision is also not intended to prevent an LEA from adopting a distance learning, hybrid, or mixed-delivery instructional model to ensure safety. Instead LEAs have flexibility to determine what instructional model the LEA will adopt during the COVID-19 Pandemic, taking into account the needs of their students and staff and their available infrastructure, provided the model adheres to an applicable state and local health guidance.

- ❖ LEAs do need to continue to follow all other public health guidance, directives, and orders, including those not specific to schools, that impact school indoor and outdoor facilities and activities (e.g., social distancing guidance).
- For students who are medically fragile, students who are self-quarantining because of exposure to COVID-19, or for students who would be put at risk by in-person instruction.
 - ❖ The letter to the Journal notes that the intent is to allow LEAs to offer distance learning based on the unique circumstances of each student. It allows for medically fragile students, and those in self-quarantine, but also for those students who would be put at-risk by in person instruction and as such, does not require an LEA to verify or make a determination that a request for this allowance meets a specific standard.
- Non-classroom-based charter schools do not provide distance learning as defined in EC Section 43500(a). Instead, non-classroom-based charter schools continue to provide independent study pursuant to their petition. As a result, this new requirement does not apply to non-classroom-based charters who were defined as such pursuant to EC Section 47612.5 as of the 2019–20 fiscal year.

Distance learning requirements are in place for the 2020–21 school year. LEAs that offer distance learning will not face penalties for instruction that doesn't meet the requirements outlined in *Education Code* Section 43504 prior to September 1, 2020. To the extent possible it is recommended that LEAs begin the school year meeting the requirements outlined.

- [COVID-19 Industry Guidance: Schools and School-Based Programs](#)
 - ↗ (PDF; released 17-Jul-2020)

5. Is an LEA required to offer distance learning?

6. What type of distance learning model can LEAs offer?

LEAs have the flexibility to determine what model best fits their situation, which includes hybrid and mixed-delivery models, so long as it ensures the safety of students and staff. The chosen model must take into account the needs of students and staff, as well as the infrastructure available to the school. The model must also adhere to applicable state or local public health orders or guidance (e.g., wearing face coverings, social distancing requirements, etc.) and include all necessary academic and other supports designed to address the needs of pupils who are not performing at grade level, or need support in other areas. The requirements for distance learning are outlined in *Education Code* Section 43503.

7. Does an LEA need to get approval from a public health official to transition to distance learning?

8. Does an LEA need to get approval from a public health official for its planned model of distance learning?

9. Is distance learning available to individual students who are at-risk or whose parents have a concern about their student participating in in-person learning?
10. Do schools need to confirm there is a valid reason that a student “would be put at risk by in-person instruction,” or is the student’s risk required to meet a specific standard?
11. What is considered “live interaction?”
12. What is the difference between daily live interaction and daily participation?
13. Is the requirement for daily live interaction met if the interaction is only between an individual student and a teacher?
14. Is there a requirement for how frequently regular communication with parents or guardians regarding a pupil’s academic progress must occur?
15. May a school district require a student to have their camera on during distance learning in order to allow the teacher to take attendance or mark a student as participating? (added 2/2/21)
16. May the State Board of Education (SBE) waive any of the requirements in Part 24.5 of Division 3 of Title 2 of the *Education Code*?
17. Can students avail themselves of an independent study program rather than distance learning in the 2020–21 school year? (updated 8/17/20)
18. May the requirement for daily live interaction be met through synchronous learning (e.g., classroom instruction provided through interactive web meetings such as Zoom or Webex)? (added 7/31/20)

Attendance and Absences

19. What is required if students are not participating regularly in instruction?
20. Are LEAs required to collect information on absences during distance learning? (added 7/31/20)
21. How is the system of attendance support provided to students in Distance Learning different from the system of attendance support provided to students in classroom instruction? (added 8/17/20)
22. Are LEAs required to record whether an absence from Distance Learning is excused or unexcused? (added 8/17/20)
23. What are some example strategies that an LEA can include in its Learning Continuity and Attendance Plan for reengaging students and reducing our chronic absenteeism rates? (added 8/17/20)
24. Is the SARB an available option for students who are chronically absent during Distance Learning? (added 8/17/20)

Personal Protective Equipment (PPE)

25. How can LEAs secure PPE when they are offering in-person instruction?

Nutrition

26. Will students who are participating in distance learning be provided meals?

English Learners

27. How are the needs of English learners being met through distance learning?

Nonclassroom-based Charter Schools

28. Are non-classroom-based charter schools programs considered distance learning?

Virtual Schools

29. Can a school district open a virtual school or an independent study school to serve all students through distance learning? (added 7/31/20)

Individualized Education Programs

30. Are there new requirements related to Individualized Education Programs (IEPs) and distance learning? (added 8/4/20)

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